

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RAYMOND MOTT,

Civil No. 05-1894-HU

Plaintiff,

v.

ORDER

STATE OF OREGON DEPARTMENT
OF TRANSPORTATION, KARLA
KELLER and SUZAN MORRISON,

Defendants.

MARSH, Judge.

Magistrate Judge Dennis James Hubel filed his Findings and Recommendation on May 24, 2006. The matter is now before me.

See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Hubel's Findings and Recommendation #18.

Defendants' motion to dismiss (#10) is GRANTED; plaintiff's Title VII, ADEA, 42 USC §1981a, and state law claims are

dismissed with prejudice. Plaintiff's claim for monetary damages against ODOT pursuant to 42 USC § 1983 is dismissed with prejudice. The claim for equitable relief, in the form of back pay, is stricken because no claims remain against plaintiff's employer. Plaintiff's claim for monetary damages against defendants Keller and Morrison, in their individual capacities, pursuant to 42 USC § 1983, is dismissed with leave to replead within 10 days. Defendants' request for attorneys' fees and costs is deferred.

IT IS SO ORDERED.

DATED this 16 day of June, 2006.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge